

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MARIA GARGANO,

Plaintiff,

-against-

MASSAPEQUA UNION FREE SCHOOL DISTRICT,  
DR. RANDALL SOLOMON sued both in his official and  
individual capacities,

Defendants.

**NOTICE OF REMOVAL**

Docket No.

Defendant MASSAPEQUA UNION FREE SCHOOL DISTRICT, by and through their attorneys, SOKOLOFF STERN LLP, as and for their Notice of Removal set forth as follows:

1. Plaintiff commenced this action in the Supreme Court of the State of New York, County of Nassau on September 2, 2020. A copy of the Summons and Complaint is attached as Exhibit A.

2. On September 14, 2020, plaintiff served defendant Massapequa Union Free School District with a copy of the Summons and Complaint. (Ex. A.) No further proceedings have been held in this action.

3. Plaintiff's Complaint seeks relief pursuant to 42 U.S.C. § 1983 for alleged "violations of her constitutional and civil rights," specifically substantive due process. (Ex. A ¶¶ 2, 6, 56.)

4. This case, therefore, falls within this Court's federal question jurisdiction pursuant to 28 U.S.C. § 1331, which provides, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

5. Defendant is entitled to remove this action, pursuant to 28 U.S.C. § 1441(a), which provides:

Except as otherwise expressly provided by  
Act of Congress, any civil action brought in a

State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. A notice of removal shall be filed within 30 days after receipt by a defendant of a copy of the initial pleadings. See 28 U.S.C. § 1446(b)(1), (2). Defendant first received notice of this lawsuit on September 14, 2020. Removal is therefore timely and proper.

7. Co-defendant Dr. Randall Solomon is represented by Robert Devine at the law firm of Bartlett LLP. They confirmed consent to this removal by letter dated October 5, 2020, a copy of which is attached as Exhibit B.

8. Plaintiff currently resides in Warren County. Dr. Solomon's office is located in Suffolk County. Defendant Massapequa Union Free School District is located in Nassau County, where the alleged events at issue occurred. (Ex. A ¶¶ 7-8.) Therefore, removal to this court is appropriate.

WHEREFORE, defendant Massapequa Union Free School District respectfully requests that the above-captioned proceeding, now pending in the Supreme Court of the State of New York, County of Nassau, be removed therefrom to this Court.

Dated: Carle Place, New York  
October 6, 2020

SOKOLOFF STERN LLP  
*Attorneys for Defendant*  
Massapequa Union Free School  
District



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